

## **SOLID WASTE ORDINANCE**

### **Sec. 1-1. Purpose and authority.**

The purpose of this Solid Waste ordinance is to provide the City of Waterville with the legal authority to control the handling of solid waste generated within its borders and to promote the public health, safety and general welfare. This may include the requirement that all commercial and noncommercial haulers of solid waste generated within the borders of the city be licensed.

This ordinance is enacted in accordance with the authority granted to the City in State law under Title 30-A, Section 3001 and Title 38, Section 1304.

### **Sec. 1-2. Compliance required.**

No person, corporation or legal entity shall dispose of solid waste in any manner which is contrary to the provisions of this ordinance.

### **Sec. 1-3. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

*Acceptable solid waste:* Solid waste including all residential and commercial waste except as shown below:

- Any appliance employing electricity, natural gas or any liquefied petroleum gas to supply heat or motive power to preserve or cook food, to wash clothing, dishes, kitchen utensils, glasses or other related items or to cool or heat air or water, more commonly called *white goods*;
- Any electronic device containing printed circuit boards, capacitors, resistors or transistors that is not included in the definition of *white goods*
- Demolition or construction debris;
- *Abandoned motorized vehicles:* Any self-propelled vehicle including motorcycles, construction and farm vehicles and other off-the-road vehicles;
- Liquid wastes or sludges, or septic tank wastes;
- Hazardous or special wastes as those terms may be defined by federal and state law;
- Dead animals or portions thereof; other pathological or biological wastes;
- Water treatment residues;
- Tree stumps, meaning the base section of a tree exceeding eight (8) inches in diameter and containing roots and soil;
- Tannery sludge;
- Waste oil;
- Propane tanks and cylinders
- Motor vehicle batteries of all types
- Sand and gravel

- A load of commercial waste less than four thousand (4,000) Btu's per pound;
- Tires;
- Full cans of paint (open paint cans with dry paint residue are acceptable);
- Bulky waste items such as furniture, rugs, garden hoses;
- Plastic pool liner, plastic "kiddie" pools, and other items too large to process at the waste to energy facility;
- Brush;
- Hot ashes;
- Pesticides, cleaning solvents, pool chemicals, wet paint and other toxic, poisonous or hazardous materials;
- Potentially reactive chemicals such as muriatic acid; and
- Other items that present a danger to public works employees or are unacceptable at the waste to energy facility, as determined by the public works director.

*Department of public works:* A department of the City of Waterville.

*Dwelling unit:* Any part of a structure which, through purchase or by lease, is intended for human habitation.

*Municipal hauler:* The department of public works of the City.

*Municipal officers:* Waterville City Council.

*Municipality:* The City of Waterville.

*Public Trash Receptacles:* Any receptacle located on public property and maintained by the City.

*Recycle:* To recover, separate, collect and reprocess waste materials for sale or reuse other than as fuel for the solid waste disposal facility.

*Solid waste:* shall have the same definition as set forth in Title 38 MRSA Section 1303(C)(29) as the same may be amended from time to time.

*Solid waste disposal facility:* A facility for the disposal of solid waste by means of incineration at the disposal facility located in Orrington, Maine, and operated by the Penobscot Energy Recovery Corporation or any successor thereto.

*Solid waste facility:* A waste facility that will provide for the transfer of acceptable solid waste generated by the municipality and authorized municipalities to a solid waste disposal facility as well as provide for the handling of solid waste for the purpose of recycling.

*Source separation:* The preparation of materials that have been determined to be recyclable by separation from solid waste at the point of delivery to the solid waste facility or by separation previously at the point of generation and so delivered to the solid waste facility.

#### **Sec.1-4. Administration.**

(a) The department of public works shall have the responsibility for the administration of the collection of acceptable solid waste. All or a portion of all the responsibilities set forth above may be assigned to entities other than the department of public works, by contractual arrangements approved by the municipal officers.

(b) The department of public works shall have the responsibility and authority to provide rules and regulations for the collection of acceptable solid waste at dwelling units within the boundaries of the municipality. Such rules and regulations must be reviewed and approved by the municipal officers. If any of the aforementioned responsibilities are contracted for, the contractor must adhere to the following rules for operation and collection.

- 1) Only acceptable solid waste (as defined in Section 1-3) shall be collected.
- 2) Waste shall only be collected from city residences.
- 3) Waste shall only be collected from either private residences or from apartment buildings of four (4) units or less.
- 4) No waste shall be collected from any nonresidential parcel, which would include parcels containing offices, hotels, stores, manufacturing plants, restaurants, produce houses, food processing plants, or any other business activity. Trash will be collected on parcels with mixed uses for the residential portion of the property only. Mixed use is defined as parcels containing both business and residential. The business use must make other arrangements for its trash collection.
- 5) All waste to be collected shall be placed at the curb or on the esplanade between the sidewalk and the gutter no earlier than 5:00 p.m. the day before and no later than 7:00 a.m. on the scheduled collection day.
- 6) No return calls shall be made if waste is not set out for collection on time.
- 7) No employee of the department of public works is permitted to go into any private yard or building to collect the waste, nor will they return the empty container to any place other than the curb or sidewalk.
- 8) All trash containers shall be made of either plastic or metal, contain two (2) handles, and shall be of such size that one (1) member of the crew can easily handle the container when full of waste. It is acceptable to place waste out in plastic bags in lieu of a plastic or metal container (see rule 11). The weight any trash containers must not exceed the maximum weight of fifty (50) pounds.
- 9) Containers of any type other than specified above shall not be returned. Paper bags, cloth sacks, burlap bags, corrugated paper cartons, etc. which are used as containers will not be returned but will be taken along with the waste, and shall not exceed the maximum size and weight prescribed above.
- 10) Empty containers shall be removed from sidewalk or curb on the same day waste is removed.
- 11) It shall be the responsibility of the residents to prevent waste from being strewn or blown about the street prior to being collected.
- 12) For the proper disposal of medical items called, "sharps," such as hypodermic needles, syringes, etc., residents are required to use either a "sharps container", purchased at a medical supply store, or use an empty rigid plastic bottle, such as liquid laundry soap or an anti-freeze container. The discarded sharps shall be placed directly into leak-resistant containers, without clipping or breaking. These containers shall be taped closed or tightly lidded to preclude loss or leakage of contents.

**Sec. 1-5. Solid waste facility; solid waste disposal facility.**

(a) The City shall, in accordance with the provisions of Title 38 MRSA Section 1304-B and Title 38 MRSA Section 2101 et seq. as said statutes may be amended from time to time, provide and designate a specific solid waste facility that will receive and process acceptable solid waste. Such a facility will facilitate the transference of acceptable solid waste for the purpose of being conveyed to a designated solid waste disposal facility. This solid waste facility may also include a facility that is used for the purpose of gathering and the separation of recyclable solid waste; additionally, the municipality may also provide or designate facilities to handle certain kinds of unacceptable solid waste, such as but not so limited to demolition debris, yard debris, tree limbs and bushes, white goods, brown goods and tires; and in providing for such certain unacceptable solid waste, the municipal officers may designate disposal facilities that are beyond the borders of the solid waste facility and of the municipality.

(b) The deposit of acceptable solid waste and/or unacceptable solid waste by any municipal hauler, commercial hauler or unlicensed hauler at any place other than at the designated solid waste facility, or the solid waste disposal facility, shall be considered a violation of this article, and such act shall constitute a nuisance; except, however, the owner of any lot or any person or persons with the permission of a lot owner may deposit or dump such inert solid waste as earth, rocks, ledge, concrete or similar material for the sole purpose of providing fill for the lot.

(c) The municipality hereby designates as its acceptable solid waste disposal facility the Penobscot Energy Recovery Corporation Facility, its successors and assigns for the purpose of disposing of solid waste by means of incineration.

#### **Sec. 1-6. Transporting solid waste.**

(a.) All vehicles that are used to transport solid waste, both acceptable and unacceptable, whether they are vehicles of the municipality or commercial haulers shall have the solid waste being transported so packed and contained in the vehicle that there is no reasonable probability or likelihood that any of the solid waste can or will be scattered or dropped from the vehicle while in the process of transporting to the solid waste facility. If any solid waste is scattered, dropped or deposited in any manner on any town way or private way or on any public property or private property, except with the consent of the owner, shall be considered a violation of this article. Proof of any dropping, scattering or deposit of solid waste while in transit shall, in and of itself, be considered prima facie evidence that such materials were not properly packed or contained as required by this article.

(b.) Unacceptable solid waste, as defined in Section 1-3 of this ordinance, shall not be placed or deposited by the occupant of a dwelling unit anywhere on property on which a dwelling unit is situated for a period of time in excess of the period of time necessary to arrange for disposal by an authorized private contractor. Failure to remove said unacceptable solid waste within one (1) week of a written request by the code enforcement officer shall be considered a violation of this article, and such failure to act shall constitute a nuisance. The occupant of a dwelling unit who shall cause, permit or suffer solid waste, acceptable and unacceptable, to be dispersed onto the property of others shall be considered a violation of this article, and such act shall constitute a nuisance.

(c.) Any individual, corporation or other legal entity that deposits, places or disperses solid waste, acceptable or unacceptable, on private property not owned or occupied by the individual, corporation or other legal entity or on public property or town ways shall constitute a violation of this ordinance.

**Sec. 1-7. Credit for tonnage.**

It shall be the responsibility of the commercial hauler to ensure that the municipality is given proper credit at the solid waste facility or the solid waste disposal facility for all acceptable solid waste collected from within the borders of the municipality and delivered to the designated solid waste facility by said commercial hauler.

**Sec. 1-8. Responsibilities of the hauler.**

A commercial hauler shall be held fully responsible for the presence of unacceptable solid waste in any load delivered by the commercial hauler to the designated solid waste facility. In the event that the commercial hauler disposes of any unacceptable solid waste at the designated solid waste facility, such unacceptable solid waste shall be immediately removed from the designated facility by the commercial hauler at the hauler's expense.

**Sec. 1-9. Violations and penalties.**

Violations of any of the provisions set forth in this ordinance shall be in accord with the civil penalties provided for in Section 2-9 of the Administrative Ordinance of the City of Waterville. The office of code enforcement and the police department shall be responsible for the enforcement of the provisions of this article.